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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,935	12/30/1999	Ilya Umansky	14013-32CIP	2956
27728	7590	03/29/2004	EXAMINER	
LAW OFFICES OF IMAM			TRAN, PHUC H	
111 N. MARKET STREET, SUITE 1010			ART UNIT	
SAN JOSE, CA 95113			PAPER NUMBER	

2666

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/474,935

Applicant(s)

UMANSKY, ILYA

Examiner

PHUC H TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

1. This communication is in response to the applicant's response filed 12/11/03. Claims 1-18 are pending in the application. Detailed action is followed:

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield (U.S. Patent No. 6023345) in view of Joffe et al. (U.S. Patent No. 6600750).

- With respect to claims 1, 3-4, 15, & 17-18, Bloomfield teaches an email/fax communication system for use in a packet switching network environment (e.g. Fig. 1 shows) including a mail server (block 112 in Fig. 1) for storing email messages (e.g. block 210 in Fig. 3) for transmission thereof, in the form of a fax document, to one or more recipient fax machines (e.g. block 102 in Fig. 1), comprising: a router for receiving a first email message, in the form of packets, from the mail server (e.g. block 104 in Fig. 1), for converting the first email message packets to original fax pages of a fax document (col. 7, lines 20-27), for transmitting a first fax pages to a recipient fax machine and upon failure to successfully transmit at least one of the first fax pages of the fax document to the recipient fax machine, transmitting one or more of the first email message packets to a destination other than the recipient fax machine (see bridge paragraph between col. 1 & 2). Bloomfield fails to teach the defining steps of failed fax pages in

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the system. Joffe teaches the step of detecting error in transmitting fax pages to recipient (Fig. 4 blocks 408, 420, 418, 416, 414 and col. 2, lines 61-67; col. 10, lines 24-33). The detecting error in transmission fax can be implement into Bloomfield's system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of detecting error for monitoring and protecting the data in the communication system.

- With respect to claims 2, & 5-6, Bloomfield also teaches wherein the first email message includes first envelope information, in the form of packets, having a destination field for identifying the recipient fax machine (e.g. Figs. 4 & 5 show).

- With respect to claims 7, 9 & 16, Bloomfield teaches wherein the first/secondary envelope information includes a source field for identifying the source of the first email message and a header field for identifying subject matter of the first email message (e.g. Fig. 4 & 5 and col. 8, lines 30-67).

- With respect to claims 8 & 10, Bloomfield discloses wherein the destination field of the first envelope information is a "To:" field (e.g. 283 in Fig. 4).

- With respect to claims 13 & 14, Bloomfield teaches wherein the router further for storing a particular fax page therein until the particular fax page is successfully transmitted to the recipient fax machine (e.g. the E-Mail server 112 receives email from the network 116 and stores in memory 140 to transmit to the fax devices).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
March 19, 2004

  
